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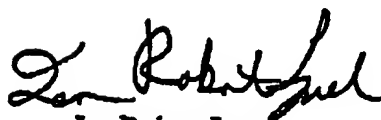
Declaration of Ian Robert Lynch

EPO-Munich  
69

08 März 2000

I, Ian Robert Lynch, of SmithKline Beecham plc (SB), New Frontiers, Science Park South, Third Avenue, Harlow, Essex, CM19 5AW, UK, do declare that:

1. I obtained a BSc Hons degree in Chemistry from Loughborough University of Technology in 1977. I have worked for SB and its predecessors since 1977 and have held a number of positions within their analytical sciences department.
2. I have extensive knowledge of the use of IR spectroscopy in the identification of polymorphic forms of pharmaceuticals and am a co-author of Buxton et al., International Journal of Pharmaceutics, 42 (1988), 135 - 143 describing solid state forms of paroxetine hydrochloride.
3. I have been asked to comment upon the attached table comparing the IR data quoted for Example 1 of WO-A-98/56787 (Synthon BV) describing a crystalline form of paroxetine methanesulfonate with that observed for representative Examples 3 and 12 of WO-A-00/01694 (SB) describing a crystalline form of paroxetine methanesulfonate.
4. It is immediately apparent to me that Examples 3 and 12 of WO-A-00/01694 exhibit the same ten characteristic IR peaks (at 1603, 1513, 1194, 1045, 946, 830, 776, 601, 554, and  $539 \pm 2$   $\text{cm}^{-1}$ ) whether using a Nujol Mull, a KBr disc or attenuated total reflection. This suggests that the crystalline form of paroxetine methanesulfonate has not been changed by the use of KBr discs.
5. Eight of these characteristic IR peaks (at 1603, 1194, 1045, 946, 830, 601, 554, and  $539 \text{ cm}^{-1}$ ) are unique to the crystalline paroxetine methanesulfonate described in WO-A-00/01694 and are not found in the data quoted for Example 1 of WO-A-98/56787.
6. I therefore conclude, based upon distinguishing IR data, that the Examples described in WO-A-00/01694 relate to a different crystalline form from that described in Example 1 of WO-A-98/56787. (Whilst two characteristic peaks (at 1513 and  $776 \text{ cm}^{-1}$ ) are similar to the 1515 and  $777 \text{ cm}^{-1}$  peaks quoted for Example 1 of WO-A-98/56787 I would expect different crystalline forms to exhibit a few similar peaks).

  
Ian Robert Lynch

Date: 03 March 2000

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Synthion  
Symbol

WO9856787: KBr (As quoted)	Unique to WO9856787	SB Ex 3: Nujol Mull (As quoted)	SB Ex 3: ATR (As quoted)	SB Ex 12: ATR	SB Ex 12: KBr	Unique to SB?	SB Patent Claim
3023	✓				3071	✓	
2800	✓			3006	3006 2918	✓ ✓	
2869	✓				2874	✓	
2577	✓			2848	2850	✓	
1615	X	1638 1614	1637 1614		2551 1638 1614	✓ ✓ X	
1515	X	1603 1513	1603 1512	1603	1604	✓	1603
1500	X	1499	1498	1498	1513 1499	X X	1513
1469	X		1469	1469	1469	X	
				1442	1442	✓	
		1399	1399	1421 1399	1422 1399	✓ ✓	
					1368	✓	
		1278 1254	1277 1254	1338 1277 1254	1338 1278 1254	✓ ✓ ✓	
1208	✓						
1169	✓	1184	1182	1181	1184	✓	1184
		1163 1145 1132	1163 1145 1132	1162 1144 1131	1163 1144 1132	✓ ✓ ✓	

WO9856787: KBr (As quoted)	Unique to WO9856787	SB Ex 3: Nujol Mull (As quoted)	SB Ex 3: ATR (As quoted)	SB Ex 12: ATR	SB Ex 12: KBr	Unique to SB?	SB Patent Claims
1100	X	1103			1103	X	
		1095	1094	1093	1095	✓	
					1091	✓	
			1076	1076	1077	✓	
1038	✓	1048	1045	1044	1045	✓	1045
		1034	1032	1031	1034	✓	
		1010			1010	✓	
962	✓						
931	✓	946	846	846	946	✓	946
		927	926	926	927	✓	
		916	916	916	916	✓	
		870	870	870	870	✓	
		845	845	845	845	✓	
838	✓						
		830	829	829	830	✓	
		822	822	822	822	✓	830
			809	809	809	✓	
		787	787	786	787	✓	
777	X	776	775	775	776	X	776
		766	766	765	766	✓	
		721	721	721	721	✓	
		601	600	600	601	✓	601
		572	572	570	572	✓	
		554	554	553	554	✓	554
546	✓						
		539			539	✓	539
531	X	529			529	X	

WO9856787: KBr (As quoted)	Unique to WO9856787	SB Ex 3: Nupol Mull (As quoted)	SB Ex 3: ATR (As quoted)	SB Ex 12: ATR	SB Ex 12: KBr	Unique to SB?	SB Patent Claim
		514			514	✓	

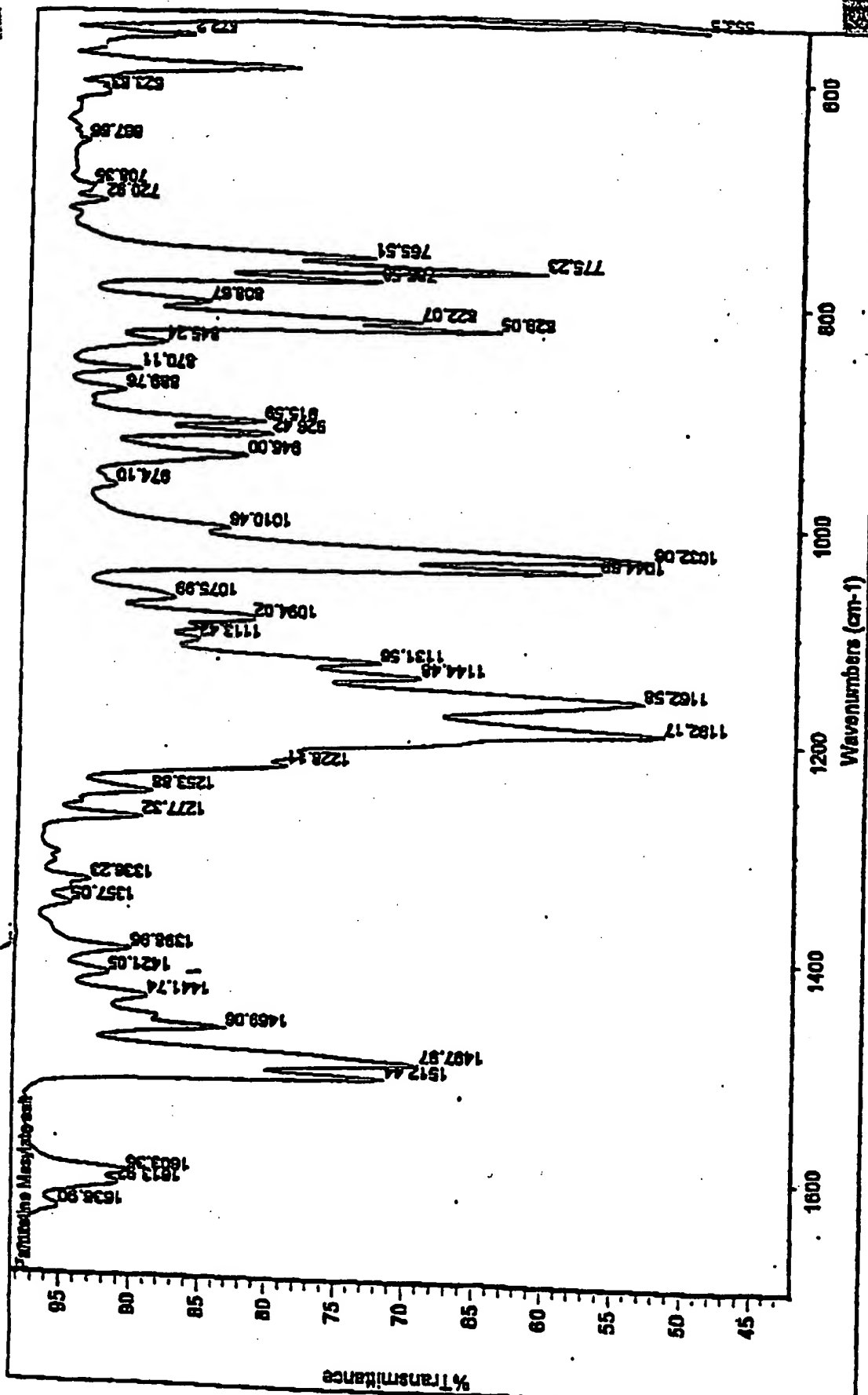
[15781-1518570]

**Date: Two Jan 05 09:54:46 1998**

Scans: 32

**Resolution: 4.000**





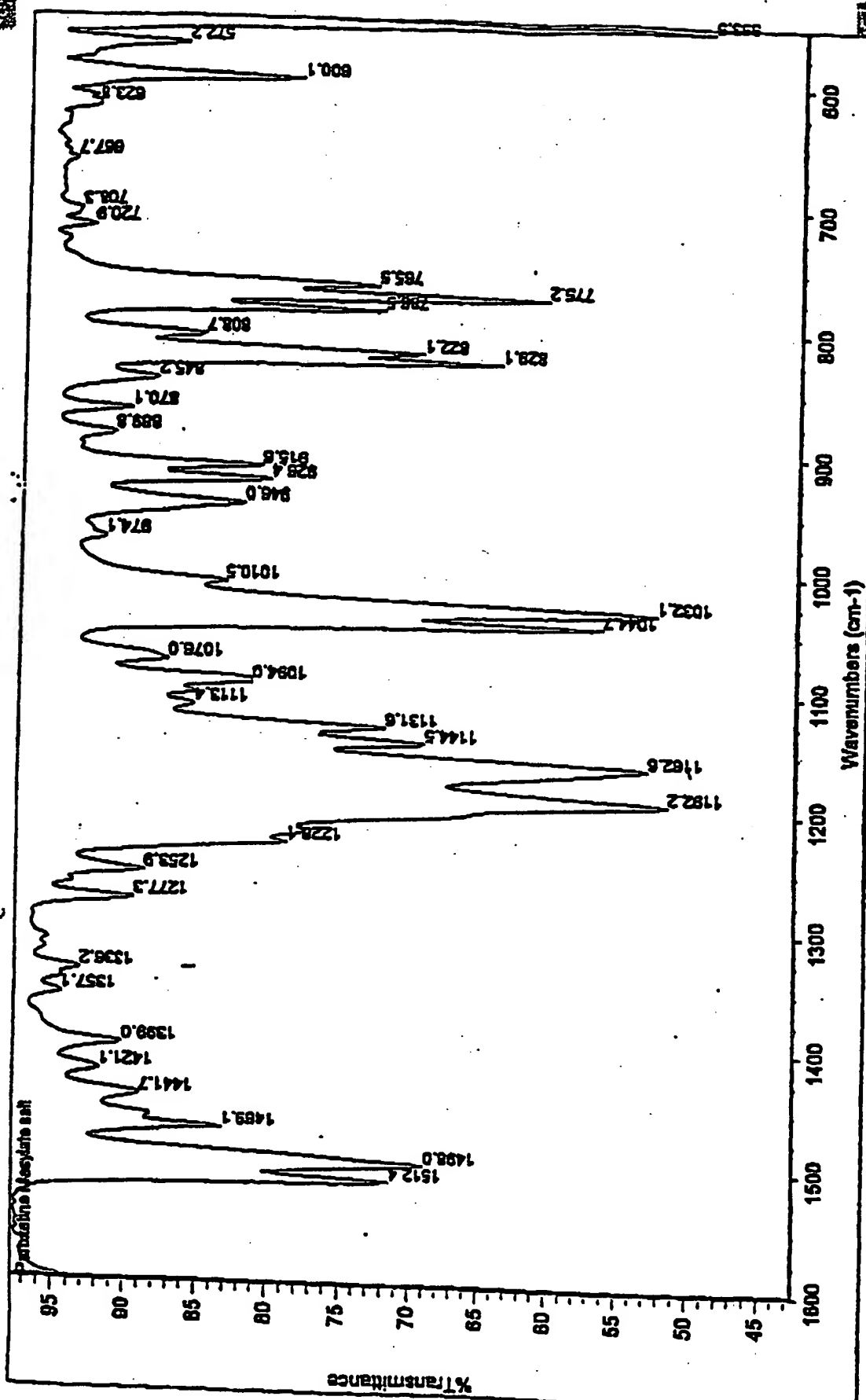
Paroxetine Mesylate salt

Date: Tue Jan 05 09:54:46 1999

Scans: 32

Resolution: 4.000

[1H281-484848] [D0984848]



Paroxetine Mesylate salt

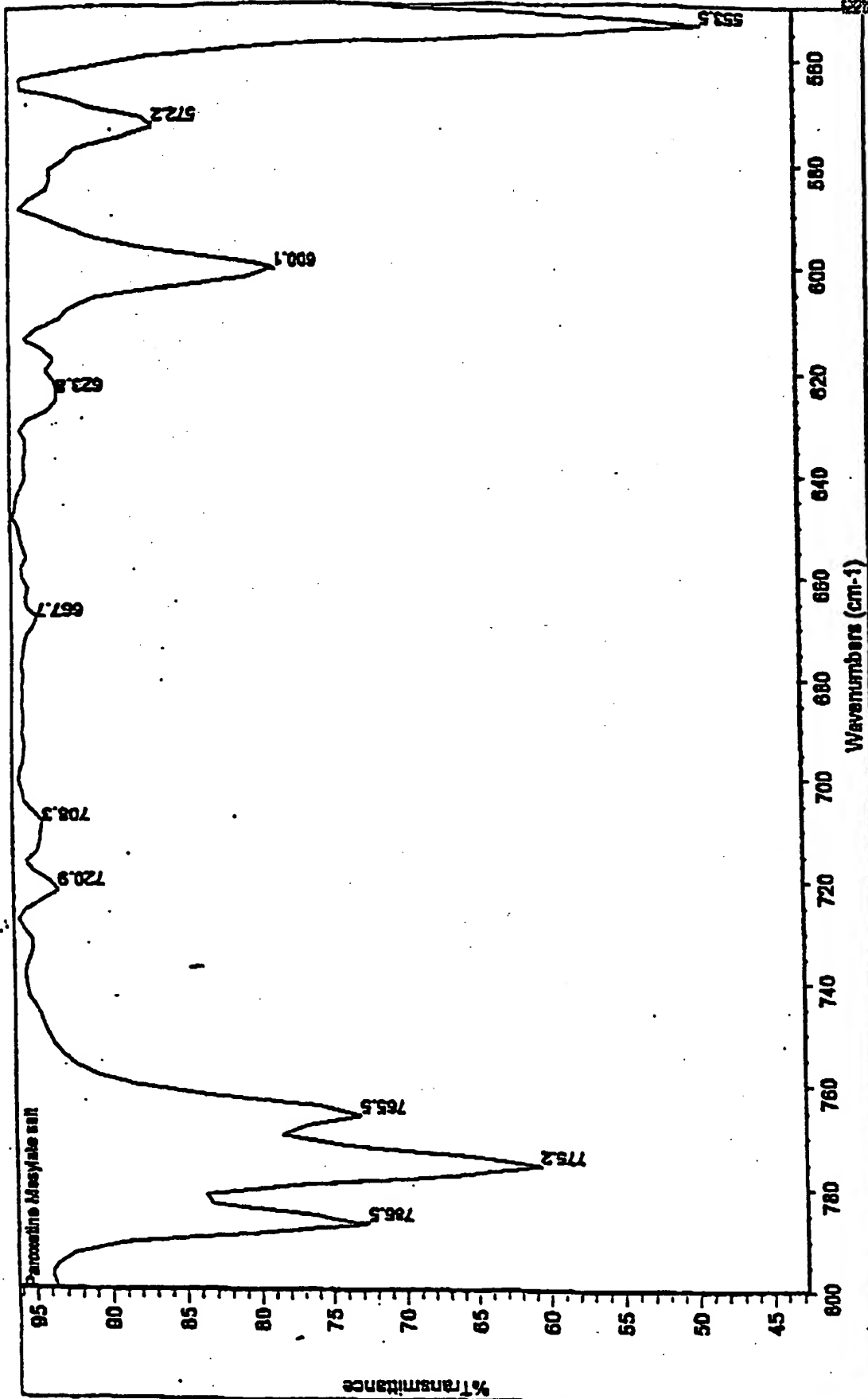
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[14281 - 18241]





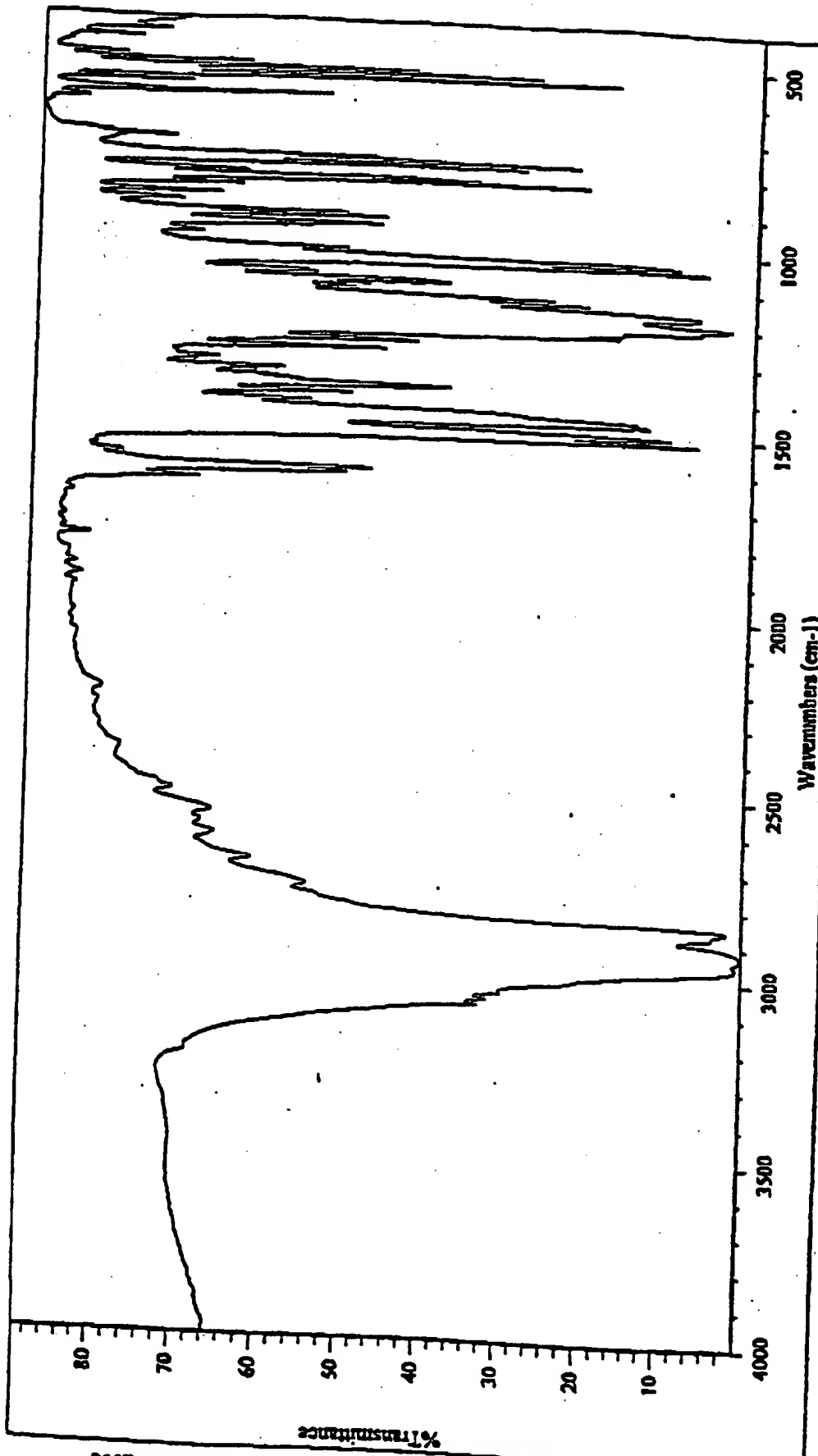
Paroxetine Mesylate salt

Date: Tue Jan 05 09:54:46 1999

Scans: 32

Resolution: 4.000

[BX68487-18291]



Date: Tue Jan 26 13:44:41 1999

Scans: 16

Resolution: 2.000

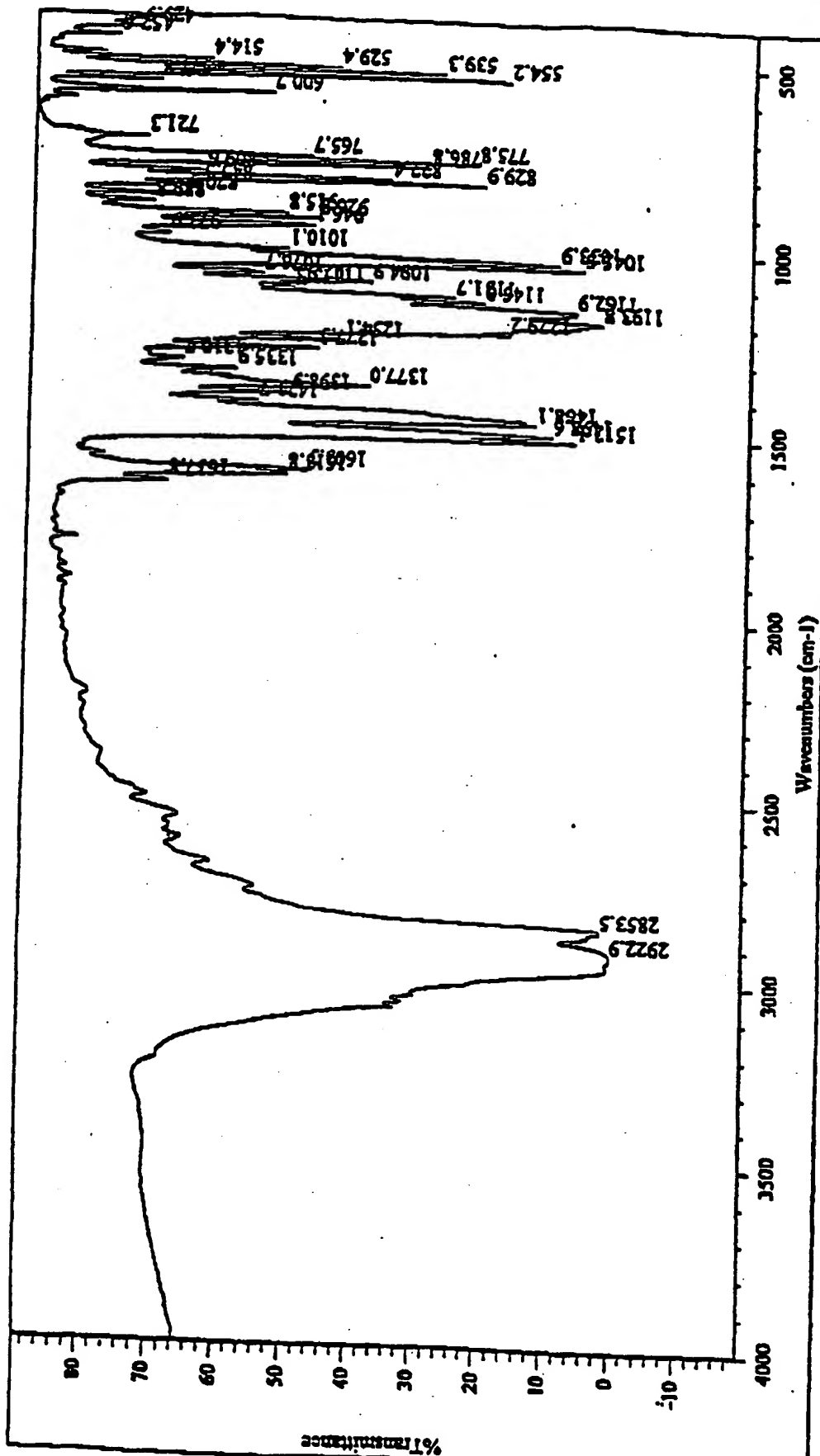
BRL-29060 DK98945-182A1 9A00811 99IR0050 PB98955-012A4

Auth: RSC  
26 Jan 1999

[DL98487-182A1]

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D. Deigle  
26-Jan-1999

Example 3  
Hajel Milk

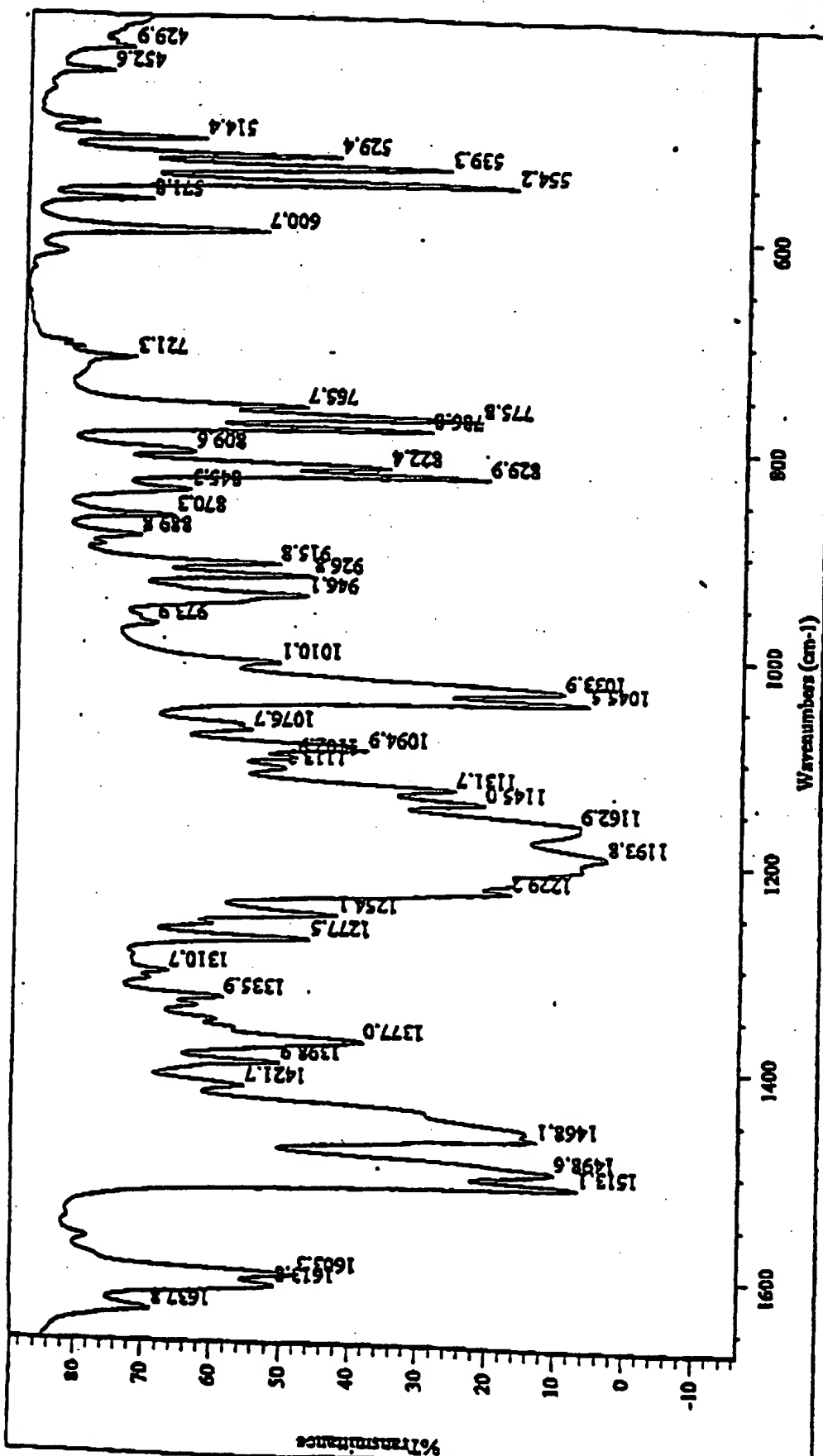


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Resolution: 2.000

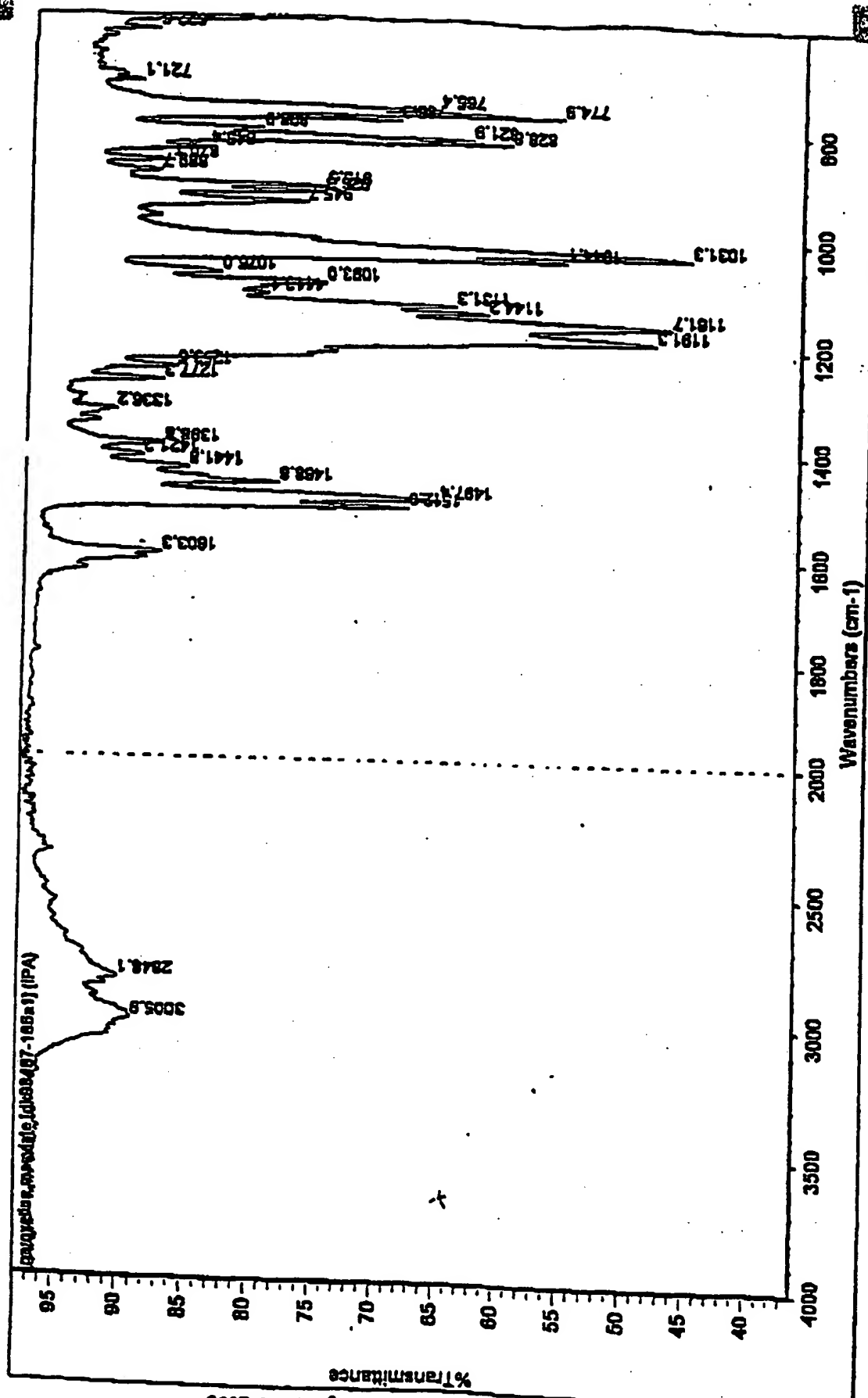


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Resolution: 2.000



[paroxetine mesylate (dl:88487-188a1) (IPA)]

Example 12 ATR

Date: Tue Jan 05 13:23:26 1999

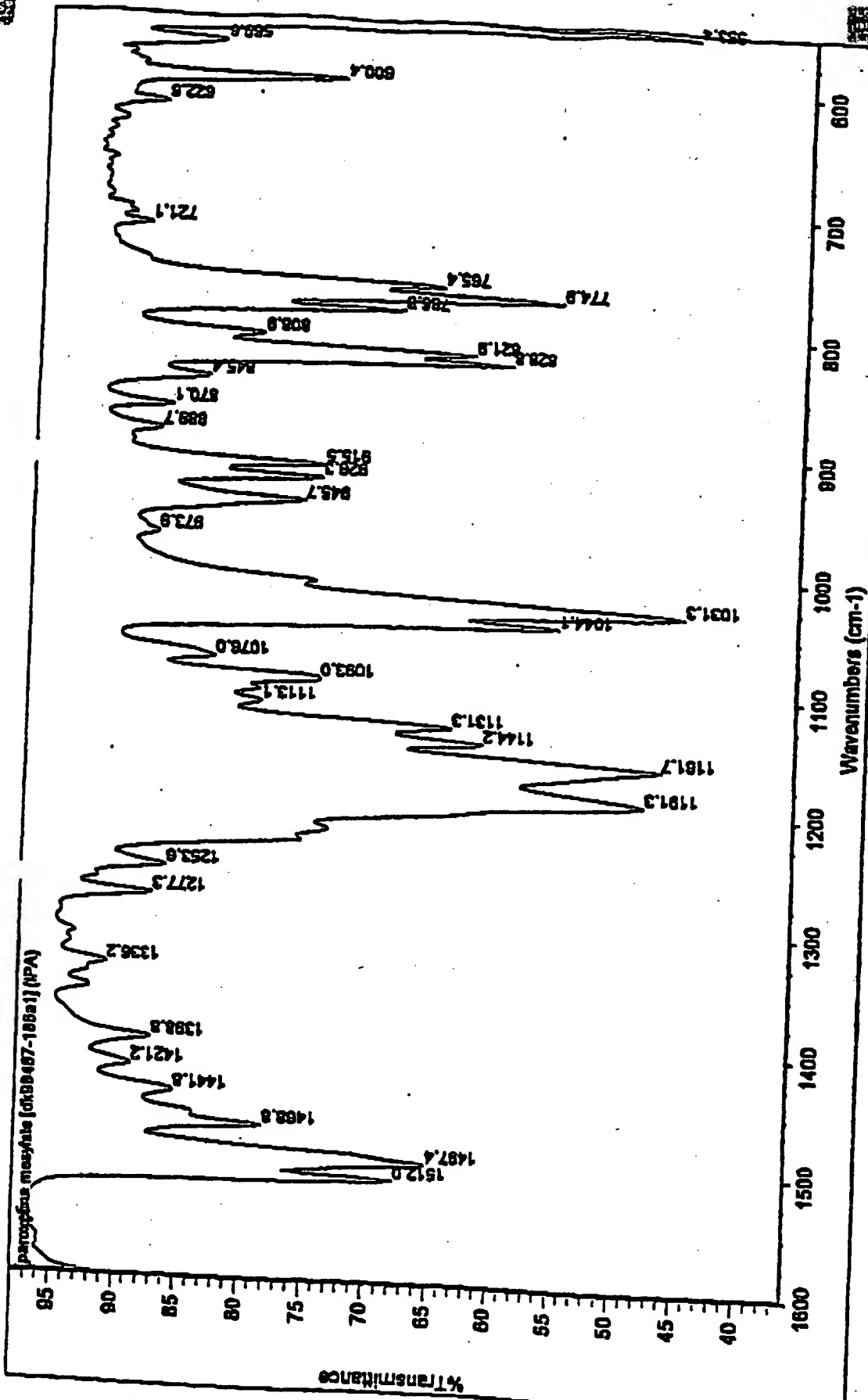
Scans: 32

Resolution: 4.000

Dr. J. J. ...

08. März 2000

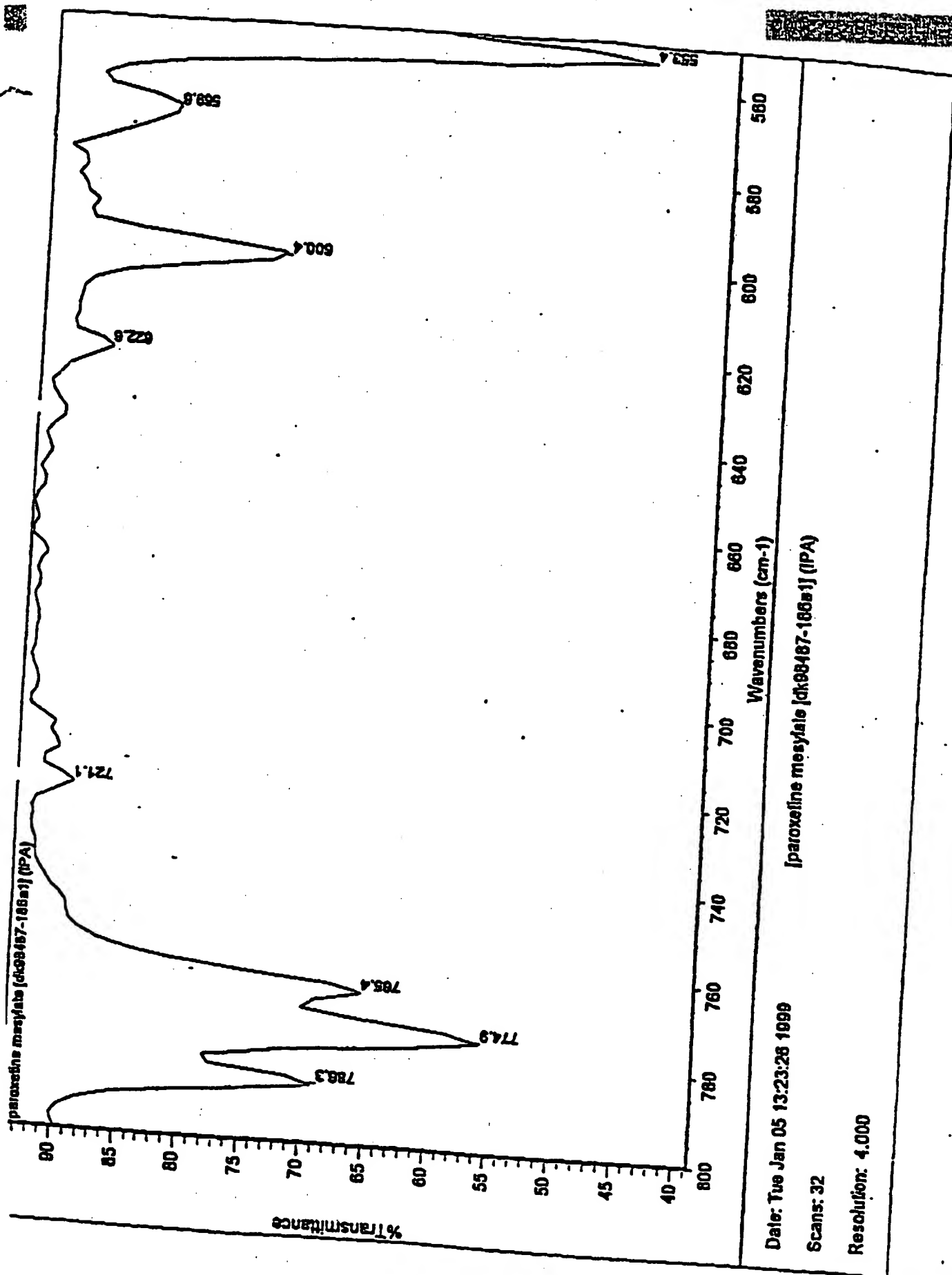
EPO-Munich



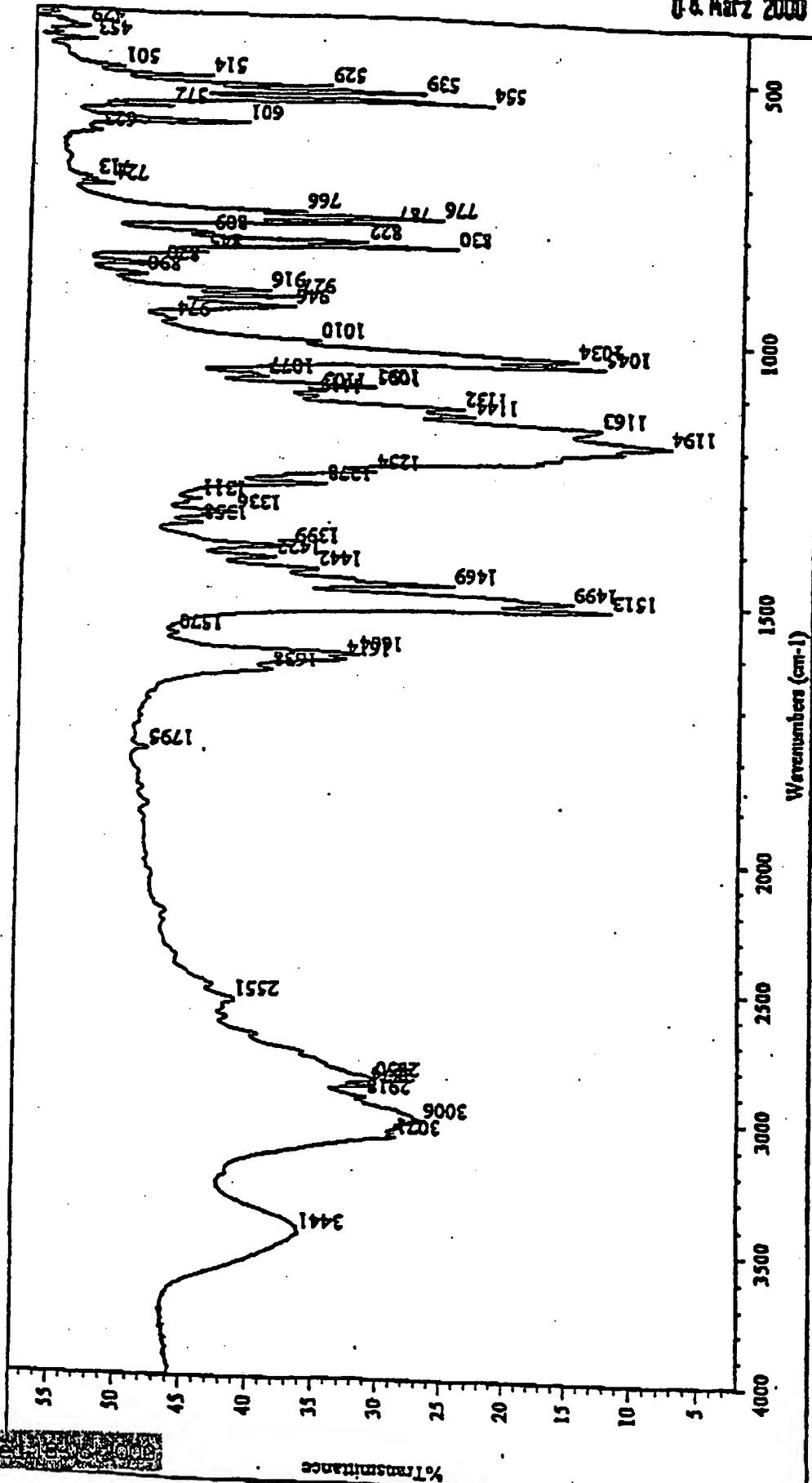
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Scans: 32

Resolution: 4.000



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peroxodine methylate DK98487186A1 9A00079 99IR0002 PB98955-002A1

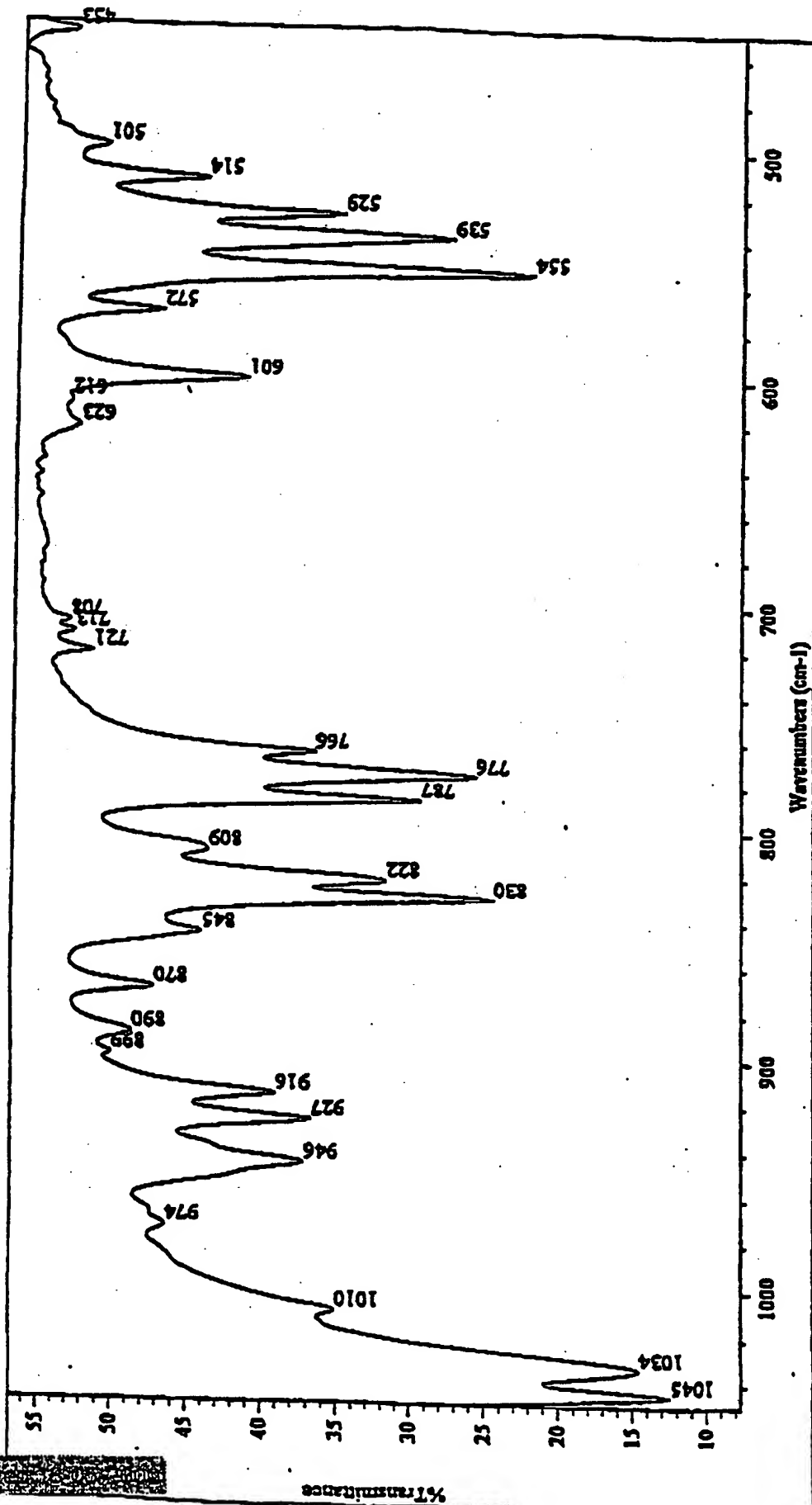
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Scan: 16

Resolution: 2.000

Example 12 KB. 2:52



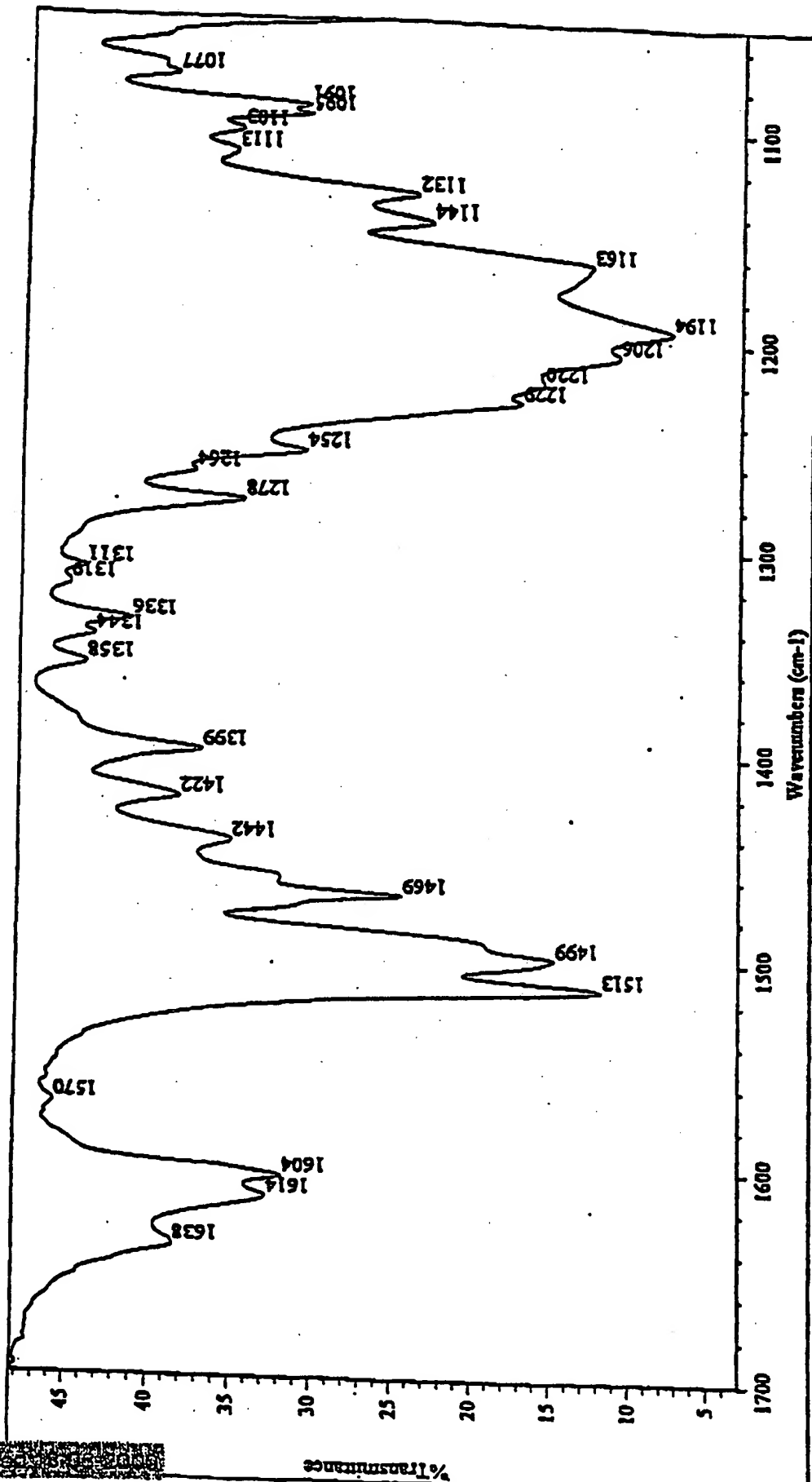


paroxetine mesylate DK98487186A1 9A00079 99IR0002 PB98955-002A1

Date: Tue Jan 05 14:47:01 1999

Scan: 16

Resolution: 2.000



paroxetine mesylate DK98487186A1 9A00079 99IR0002 PH98955-002A1

Date: Tue Jan 05 14:47:01 1999

Scans: 16

Resolution: 2.000